

## Message Text

CONFIDENTIAL

PAGE 01 STATE 274831

64

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 CCO-00 NSCE-00 /026 R

DRAFTED BY EUR/SOV:RECOMBS:RVC  
APPROVED BY EUR:JAARMITAGE (PHONE)  
EB:CSCHMIDT (PHONE)  
L/EB:PTRIMBLE (SUBS)  
C:WSHINN (PHONE)  
S/S:PKJOHNSON

----- 068799

O 150337Z DEC 74 ZFF4  
FM SECSTATE WASHDC  
TO USDEL WEST INDIES IMMEDIATE

C O N F I D E N T I A L STATE 274831

EXDIS TOSEC 005

E. O. 11652:GDS  
TAGS: PFOR, ETRD, UR, EE  
SUBJECT: HELMS AMENDMENT TO TRADE BILL

FOR SONNENFELDT AND HARTMAN

1. WITH SPECIFIC REFERENCE TO THE MESTERHAZY CASE (IN WHICH THE HUNGARIANS REFUSE TO ALLOW THE SON OF US CITIZEN MESTERHAZY TO EMIGRATE TO THE US), SENATOR HELMS DECEMBER 13 INTRODUCED AN AMENDMENT TO TITLE IV OF THE TRADE BILL WHICH WOULD REINSERT THE EMIGRATION CRITERIA OF THE ORIGINAL JACKSON-VANIK AMENDMENT BUT FOCUS THEM ONLY ON EMIGRANTS FROM NON-MARKET ECONOMY COUNTRIES, INCLUDING POLAND, WHO WISH TO JOIN CLOSE RELATIVES IN THE US.

2. HELMS ENVISAGES THIS AS COMPLEMENTARY TO BUT SEPARATE FROM THE JACKSON-VANIK AMENDMENT, AS AMENDED.

3. WE UNDERSTAND THAT JACKSON, JAVITS AND RIBICOFF WENT ALONG DURING THE DECEMBER 13 FLOOR DEBATE BUT WILL WORK FOR DELETION OF THE AMENDMENT IN THE HOUSE-SENATE CONFERENCE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 274831

E (RIBICOFF IS A CONFEREES).

4. IN ANY EVENT, THE STR HAS ASKED FOR OUR POSITION AND SUGGESTED TALKING POINTS. WE PROPOSE THE FOLLOWING:

(A) THE PROBLEM: WE CANNOT AGREE TO THE HELMS AMENDMENT, WHICH MAKES RIGID AND FORMAL DEMANDS REGARDING EMIGRATION WHICH ARE HIGHLY UNLIKELY TO PRODUCE THE DESIRED RESULTS.

THE JACKSON-VANIK AMENDMENT, AS AMENDED, APPLIES TO ALL EMIGRANTS FROM NON-MARKET ECONOMY COUNTRIES NOT PRESENTLY ENJOYING MFN TREATMENT. EMIGRANTS FROM THOSE COUNTRIES WHO WISH TO JOIN CLOSE RELATIVES IN THE UNITED STATES CLEARLY ARE INCLUDED.

IN ADDITION, THE STRONG VIEWS OF THE SENATE REGARDING DIVIDED FAMILIES, AS EXPRESSED IN ITS PASSAGE OF THE HELMS AMENDMENT, CAN BE COMMUNICATED THROUGH DIPLOMATIC CHANNELS TO THE NON-MARKET ECONOMY COUNTRIES. IT WOULD THUS BE CLEAR TO ALL THAT THE USG, IN EVALUATING THE EMIGRATION PERFORMANCE OF A GIVEN NON-MARKET ECONOMY COUNTRY, WILL ATTACH PARTICULAR IMPORTANCE TO THIS CATEGORY OF EMIGRANT.

PASSAGE OF THE HELMS AMENDMENT IN ITS PRESENT FORM WOULD HAVE THE UNFORTUNATE BUT INESCAPABLE RESULT OF DISQUALIFYING THE SOVIET UNION FOR USG CREDITS. THIS IS BECAUSE THE PRESIDENT COULD NOT NOW REPORT TO CONGRESS THAT THE SOVIETS ARE IN COMPLIANCE WITH THE EMIGRATION CRITERIA IN THE HELMS AMENDMENT. ENACTMENT OF THE AMENDMENT WOULD THUS MEAN THAT THE US SIDE OF THE DELICATE COMPROMISE ON EMIGRATION PRACTICES WOULD NOT BE FULFILLED.

WITH SPECIFIC REGARD TO POLAND--WHICH DOES NOT FALL UNDER JACKSON-VANIK--WE CAN ENSURE THAT THE POLISH GOVERNMENT FULLY UNDERSTANDS THE IMPORTANCE CONGRESS ATTACHES TO THE REUNITING OF DIVIDED FAMILIES, AND, AGAINST THE BACKDROP OF THIS STRONG EXPRESSION OF THE VIEWS OF THE SENATE, WE CAN RENEW OUR DIPLOMATIC EFFORTS WITH THE POLES ON

CONFIDENTIAL

PAGE 03 STATE 274831

THIS ISSUE. POLISH EMIGRATION POLICY HAS FOR A NUMBER OF YEARS BEEN RELATIVELY LIBERAL. PASSAGE OF THIS AMENDMENT COULD HAVE AN ADVERSE EFFECT ON THAT POLICY, AND COULD INDEED GENERALLY COMPLICATE OUR RELATIONS WITH POLAND.

(B) RECOMMENDED POSITION: THAT WE SUPPORT THE VIEW WE UNDERSTAND IS HELD BY SENATORS JACKSON, JAVITS AND RIBICOFF THAT THE HELMS AMENDMENT BE DELETED IN CONFERENCE.

(C) TALKING POINTS:

-- PASSAGE OF THE HELMS AMENDMENT IN ITS PRESENT FORM WOULD DISQUALIFY THE USSR FOR USG CREDITS, AND THUS WOULD DEFEAT THE PURPOSE OF THE PAINSTAKINGLY WORKED OUT COMMITTEE PROMISE REGARDING SOVIET EMIGRATION.

-- THE JACKSON-VANIK AMENDMENT, AS AMENDED, APPLIES TO ALL EMIGRANTS FROM NON-MARKET ECONOMY COUNTRIES, INCLUDING THOSE EMIGRANTS WISHING TO JOIN CLOSE RELATIVES IN THE US.

-- THE VIEWS OF THE SENATE REGARDING DIVIDED FAMILIES, AS EXPRESSED IN THE HELMS AMENDMENT, WILL BE COMMUNICATED TO APPROPRIATE NON-MARKET ECONOMY COUNTRIES.

-- WITH SPECIFIC REGARD TO POLAND, WE WILL ENSURE THAT THE POLISH GOVERNMENT FULLY UNDERSTANDS THE DEPTH OF CONCERN OVER DIVIDED FAMILIES.

-- IN SHORT, WHILE WE FULLY SHARE THE AIMS OF THE HELMS AMENDMENT, WE CANNOT AGREE TO ITS PRESENT FORMULATION, WHICH IS HIGHLY UNLIKELY TO PRODUCE THE RESULTS WE ALL DESIRE.

5. STR HAS REQUESTED THIS GUIDANCE BY OPENING OF BUSINESS MONDAY, DECEMBER 16, SINCE CONFERENCE COMMITTEE MAY MEET THAT DAY. INGERSOLL

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRADE LAW, EE, TOSEC 5, AMENDMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 DEC 1974  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE274831  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RECOMBS:RVC  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740364-0284  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741233/aaaabcly.tel  
**Line Count:** 145  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN SS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** EXDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** EXDIS  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 25 SEP 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <25 SEP 2002 by boyleja>; APPROVED <27 FEB 2003 by MorefiRH>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HELMS AMENDMENT TO TRADE BILL FOR SONNENFELDT AND HARTMAN  
**TAGS:** PFOR, ETRD, UR  
**To:** WEST INDIES  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005